

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALEX SAVCHUK,

Petitioner,

Case No. 08-14400

Honorable David M. Lawson

v.

DOCTOR LAYDUM,

Respondent,

**ORDER DENYING THE PETITIONER'S APPLICATION FOR APPOINTMENT OF
COUNSEL WITHOUT PREJUDICE AND DENYING AS MOOT THE PETITIONER'S
MOTION TO EXPEDITE THE DECISION REGARDING THE APPLICATION FOR
APPOINTMENT OF COUNSEL**

On October 16, 2008, the petitioner filed an application for appointment of counsel, together with the financial affidavit evidencing that the petitioner is indigent. On November 26, 2008, the petitioner followed his petition up with the motion in essence requesting to expedite the consideration of his initial request.

The petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Mich. Dep't of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)); *see also Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994) (“In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the petitioner’s ability to investigate and present his claims, along with any other relevant factors.”).

In this case, the interests of justice do not require appointment of counsel at this time. If,

however, the Court determines that counsel should be appointed for the plaintiff in the future, the Court may revisit the petitioner's request.

Accordingly, it is **ORDERED** that the petitioner's application for appointment of counsel [dkt # 3] is **DENIED WITHOUT PREJUDICE**.

It is further **ORDERED** that the petitioner's motion for an answer to the filed application for appointment of counsel [dkt # 7] is **DENIED as moot**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: May 26, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 26, 2009.

s/Lisa M. Ware

LISA M. WARE